

LUETGERT FAILS WITH HIS EXPERT

Julian Hawthorne Tells How the Defence Handled Professor Bailey.

STOOD FIRM ON BONES.

Scientist Too Certain of His Investigations to Be Confused by Book Authorities.

INSPECTOR SCHOOCK ATTACKED.

Prisoner's Counsel Asked About Money Paid to the Witnesses for the State Until the Judge Interfered.

By Julian Hawthorne.

Chicago, Sept. 15.—To-day I am once more constrained to chronicle an apparent victory for the State. I say "apparent" because, as has frequently happened before, many of the statements damaging to the defence were elicited by the defence itself in cross-examination.

The matter in hand was the State's bone exhibits, and the morning was given up to Mr. Vincent's attack on Professor Bailey, who was also the protagonist last Monday. The upshot of it all was the witness's evidence was strengthened, for, though Professor Bailey is quiet and laconic enough if you let him alone, when he is hammered he emits sparks; or, as the vulgar speech hath it, he gets his Irish up.

Knowledge obtained by original research is a hard thing to buck against, and it is very amusing to observe the consternation of scientists of the calibre of Professor Alport, when a man who knows things of his own self-acquired knowledge betrays his indifference to the statements of the book authorities.

Bailey's Cross-examination.

The cross-examination of Bailey which Vincent delivered and which Alport fathered, was like nothing so much as the questioning which might be applied to a school boy by a sophomore visiting committee. Bailey appeared to have forgotten more than Alport knew, and yet had enough knowledge remaining to clinch beyond cavil every assertion that he had made on direct examination and to add a few more which had been omitted on that occasion. But, as in the case of Professor Delafontaine, his ignorances were superb.

Now, what is the object of this course on the defence's part? The prosecution, by its own questions and by Mr. Vincent's, has proved over and over again, up to the point of the cross-examination, that the defence was to lead in its specialty, that the rat in Luetgert's factory contained, at a period after the alleged murder, the bones of a human being, and that this human being was a small woman, "who wore the tight shoes. Does the defence wish this evidence to stand? If so, why do they oppose it, and ask questions designed to discredit the State's witnesses and to show that what they maintain to be matters of fact, are in reality not so?

But if, on the other hand, they wish to overthrow it, why do they so frame their questions as to strengthen what they seem to oppose? Is it done with a view to draw away our attention from their true line of defence, which they mean to spring upon us at a given juncture by a coup de theatre? Have they witnesses to prove that Mrs. Luetgert crawled into the rat's back, and that when her husband's back was turned, with intent to spite him? Will they show that the bones belonged not to Mrs. Luetgert, but to some cadaver of her size and sex, which Luetgert had procured from the medical college to use in his soapmaking experiment?

Carl Felix in Question.

Such a line of defense is conceivable, but, if that be it, why take up our time with Pickwickian attempts to throw the State's evidence out? Why not waive cross-examination of these expert witnesses, and use their testimony to confirm the State when their findings come? It is very puzzling, for one does not like to charge these clever men with stupidity, and that really does seem to be the only alternative. Meanwhile we may take it to be as certain as evidence can make anything that a woman's bones were in the rat.

The dialogue began with inquiry into the personality and scientific value of a certain Carl Felix, a German scientist, whom Bailey had chanced to mention the other day as confirming his own contention that there are occasionally more than two sesamoid bones in a human hand. It was elicited that Bailey had met this learned young man at the World's Fair four years ago, and that he knew him to be a voluminous writer on scientific subjects.

Vincent thereupon produced some sheets of foolscap, on which, it transpired, were written down a series of questions covering a large catalogue of books of reference, containing the names of prominent scientific men; and information was sought as to whether Carl Felix's name was inscribed in any one of these lists. Whether it is or not we are not likely to know, for the Court ruled that all questions upon the subject were improper.

The Court's Remonstrance.

"You can't go on ad libitum in this way," quoth His Honor.

"I want to prove the incompetence of this witness," exclaimed the attorney. "He cites this Felix as his authority, and I want to show that his name occurs in no single work of reference."

"I can't go into that," replied His Honor. "This witness comes here to testify about bones, not about the contents of books of reference. Practical men haven't time to write books."

All this tended to show that the witness was not the kind of man who uses written authorities as his crutches, but was the kind of man to whom writing authorities go for their information. Mr. Vincent, reluctantly laying down his list, wanted to know if the witness spoke German. The witness was not prepared to say he did. Then how could the witness read Carl Felix's books? Well, Carl Felix spoke and wrote English very well. But were none of Carl Felix's books written in German? They were.

"Then how did you read them?"

"Well," said the witness, leaning back in

CAN WEATHER ENTER SCHOOL OR LEAVE SCHOOL AND GO TO WORK. IS SAME ENOUGH TO PLAN ESCAPE.



Examining Children for Certificates Permitting Them to Leave School and Go to Work.

Thousands of Poor Parents Storm the Board of Health Offices to Obtain Certificates Permitting Their Children to Seek Work---Not Enough Clerks to Attend to Them---Mayor Strong Says There Will Soon Be Enough School Room.

ONE thousand men, women and children stormed the Criminal Courts building early yesterday morning. They were there not to attend some sensational trial, but to get certificates from the Health Board, entitling children over fourteen years and yet under the school age, to seek employment without fear of the trancy officers. To two out of every three of the parents or guardians present their attendance meant expenditure in care fare they could ill afford, not to mention the loss of time.

This great crowd had to be taken on elevators to the top floor of the building, where the employment bureau of the Board of Health is located. So eager were all to be the first in line, that they packed the elevators until it was almost impossible to move them. The elevator men said it was a record-breaking day. Nothing like it had been seen since the building was first opened. Four policemen's services were required to keep the crowd back. On the top floor the corridors outside the bureau were soon filled to suffocation with a mass of struggling humanity.

But Few Certificates Issued.

The doors were thrown open at 9 a. m. and were kept open until 4 p. m. A large force of clerks were kept busy, but only one hundred and seventy-five children received certificates. The rest had to be turned away. Policemen used their backs, shouting, "No more can be served to-day. Come to-morrow."

From the crowd of disappointed applicants arose a storm of protest. The children said it meant delay in getting work. The parents said that it meant more loss of time and more expending of money. Many of those who were turned away almost wept, saying that they had been coming there day after day. One woman said she had come all the way from One Hundred and Eighteenth street with her little girl. It was her second visit. She got there on Tuesday afternoon and after waiting one hour, was sent away and told to call again yesterday. She got down with her daughter at 8 o'clock yesterday morning and at 3:30 p. m. they were still awaiting their turn. Another woman had come all the way from West Farms. For months the Board of Health has been giving out these certificates, and ever since the trancy school was opened children between the ages of fourteen and sixteen have flocked to the bureau to get the certificates.

Hard to Obtain Signatures.

During the summer school vacation the bureau issued temporary certificates good until September 13, the opening day of the new school year. To secure a permanent certificate a child must get the principal of the last school she attended to sign a statement of the total number of days she went to that school. The absence of so many school teachers from town during the summer vacation made it so difficult

his chair, "my wife reads German, and she read to me." So the cat was out of the bag at last; but to what purpose? "You take a great deal of time with your questions, Mr. Vincent!" the Court remarked; but the attorney couldn't help that.

"Can you read French?" was the next question to save Luetgert from the gallows.

"Yes."

"Oh, you can read French; will you please read this passage from the book I pass to you?"

The witness took it, and translated a sentence.

"Well, go on," said Vincent.

"It is not necessary to read any more," returned the witness, "I can read French."

"Now, please to look at this bone, exhibited by the State. What grounds have you for saying that it is a human bone?"

Too Much Information.

"It has features which are not found in any bone of the lower animals. I know positively by experiment; no animal could have such a formation."

"You are always volunteering information," expostulated the attorney.

"You are always pushing me," retorted the witness. And all this while Luetgert sat fanning himself with a paper-bound copy of a work on anatomy, and wondering, perhaps, when his trial was going to begin again.

"Give a full description of the peculiarities of the bone you hold in your hand," the witness said the bone down and looked up.

"Did you get my question?" asked the attorney.

"Yes," said the witness, leaning back in

his chair, "my wife reads German, and she read to me." So the cat was out of the bag at last; but to what purpose? "You take a great deal of time with your questions, Mr. Vincent!" the Court remarked; but the attorney couldn't help that.

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Superintendent of School Construction Snyder says that:

"The contractors for repairing all these buildings were let with the express understanding that they must be ready for occupancy on September 13. The contractors have not lived up to their agreement in all cases, and we are simply hurrying them along as fast as we can. It is then not some means of forcing a dilatory contractor to finish his work on time?" was asked. "Can he take a contract and then exercise his own discretion about when he will have the building ready for occupancy? Is there not a penalty clause in the contracts providing for the forfeiture of a certain sum of money every day the contractor delays the work over the agreed time of completion?"

Questions Not Easily Answered.

Both Superintendent Snyder and Mr. Peaselee looked rather thoughtful as this volley of questions was hurled at them. The questioner had just returned from a careful canvass of the tenement districts where children are pleading for a chance to enter the public schools. Possibly the questions were rather startling in their earnestness.

Dr. Edward H. Peaselee is chairman of the Committee of Construction of School Buildings and he kindly consented to explain to the Journal just why two school buildings are closed in the tenement district and two more very much crippled for lack of room.

Yes, I know it seems strange that we have not been able to complete the contracting to finish their work," he said frankly, "but the public must remember that this is the first year that our board has been entirely responsible for the repairs on buildings and the erection of new ones. We assumed this responsibility last June and while we have striven earnestly we have not been able to remove the mistakes which happened before we took hold of the work."

One of the officials explained that no more than 175 children could possibly be attended to in one day. The lucky ones are given numbers, and as a number is called the child holding it steps forward and is put through a lot of examining. Very often he is sent back to his doctor to get some signed statement and then once more has to fight his way into line, get a number and again await its being called.

Many of the women declared that the crowding at the opening of the Bureau yesterday was something frightful, and that it was a wonder many persons were not injured.

More Schools Open Than Expected.

"The fact that many thousands children are deprived of school accommodations is to be regretted," said School Commissioner Edward H. Peaselee, yesterday. "But it is not nearly so bad as we expected. As a matter of fact, there are only two buildings entirely closed and on September 1, when we called the contractors before us, we feared that September 13 would find twenty-nine buildings unavailable because the repairs were not completed."

But is it not a matter of great expense and damage that these children in the poor districts especially cannot attend school because of the delay in the contractors? Mr. Peaselee was asked.

"Yes," he answered, "but they cannot be estimated in money value, the courts would not take cognizance of them if we alleged them against dilatory contractors. They are what might be called 'damages beyond money.'"

The remark, "If the line of the fence against contractors which we think will be available."

Mechanical engineer of the building, was he? Did he pay more attention to the machinery than to the osteological collection? Did he go to Ann Arbor? What did he do there? Did he matriculate there? He did, did he? Does he know what matriculation means? Does he not know that no one can matriculate at Ann Arbor under twenty years of age? And did he not say that he was seventeen when he went there?

"I think I was mistaken about that," said Mr. Howes, who is a very shy man, and who has been in the line of osteology for many years. "I have never been to Ann Arbor, and I have never been to any other place where one can matriculate under twenty years of age."

Was His Own Authority.

"But you identify positively as a human bone?"

"I have said several times that I will identify none of these bones separately, but only in connection with the bones found on another."

"What authority have you for asserting this?"

"None, but my personal investigation," answered the witness, in a very audible voice, and the attorney said, "That's all." I have sketched this dialogue at some length, in order that the reader may form an idea of the kind of cross-examination that the defence, under the guidance of Professor Alport, is putting up. Mr. Howes, the articulator and osteologist of last week, was the next victim to be stretched on the rack. Mr. Vincent must be credited with a skill and dramatic treatment of this gentleman.

Inspector Schaak Called.

He did not as much as refer to a bone from beginning to end, but he was consumed with curiosity as to the details of Mr. Howes's personal career. Where did he come from originally? What was his trade or profession? Where did he go when he got there? What did he do there? Was he janitor of the building? Oh, he wasn't?

Mr. Peaselee explained that in cases where contracts are not finished on time in the future, the School Commissioners will all the large amount of money invested in the land and building, the interest being paid on that sum, and also point out that all this investment is made for the sole purpose of keeping school for about two hundred days in the year. Every day of delay will be charged as a damage of one two-hundredth of the large sum invested, and the interest being paid on it.

In this way he thinks a real money damage can be shown for each day that a building is closed to pupils.

"The public should not think, however, that we have neglected its interests," continued Mr. Peaselee. "We had the contractors before us September 3, and again a week later. We told them, no evasive tactics would answer, that we must have the buildings when the schools opened. We frightened them so thoroughly that out of the twenty-nine buildings which they declared could not be ready September 13 all but two were opened."

A Defence of Contractors.

"Of course, you must understand," said Superintendent Snyder, "that contractors sometimes, are not wholly to blame for the delay. They may have a strike, there may be a delay in getting materials, any one of a dozen things may happen which are unavoidable and yet cause vexatious delay."

When asked if a contract could not be forfeited and let to a new party in case of delay, both Superintendent Snyder and Commissioner Peaselee said that the delay of letting a new contract would be greater than to allow the delinquent contractor to finish if he showed any reasonable disposition to be as prompt as possible.

There are a large number of new school buildings in process of erection, and who completed it is thought that they will accommodate all the children for several years to come.

The following list will be completed on or before March 15, 1898.

No. 151, Ninety-first street and First avenue, thirty-three class rooms, complete October 15.

No. 63, Fulton avenue and One Hundred and Seventy-third street, thirty-three class rooms, including gymnasium and manual training, complete February 1, 1898.

No. 135, Trinity avenue and One Hundred and Twenty-third street, thirty-three class rooms, complete November 1, 1897.

Addition, Broome and Sheriff streets, twelve class rooms, including gymnasium and manual training, complete November 15, 1897.

No. 13, addition, Essex and East Houston streets, twenty-one class rooms, complete December 31, 1897.

No. 94, addition, Sixty-third street, near Amsterdam avenue, twelve class rooms, gymnasium and manual training, complete December 31, 1897.

No. 13, addition, Ninety-third street, near Amsterdam avenue, twelve class rooms, gymnasium and manual training, complete December 31, 1897.

No. 2, additions, to Henry street and Mulden avenues schools, total twenty-one class rooms, including gymnasium and manual training, complete January 23, 1898.

No. 126, addition, Throgs Neck, four class rooms, complete November 1, 1897.

No. 133, Fox and Simpson streets, eight class rooms, complete December 2, 1897.

No. 17, addition, Westchester, eight class rooms, complete December, 1897.

This gives a total of 233 new class rooms down if I am not mistaken.

who was steady enough to answer anything, but from the Court. In the case of the witnesses I have never happened to witness so severe a grilling as this Court found it necessary to administer to Mr. Phalen.

"Did you did you get the money that you paid to these witnesses, Inspector?"

"The county makes an appropriation."

"Do you know what you paid Odoroff's seventy-five dollars?"

"I paid him more than that—I paid him a hundred."

"Did you say if he would testify against Luetgert you would take her a trip to California?" The Inspector opened his eyes, laughed in some embarrassment, and replied, "No, that is all a falsehood."

But do not get the idea that the examination had been going on in this peaceful manner all the while. Mr. Phalen asked what the jury thinks of it and it was very plain that the jury did not sympathize with Mr. Phalen. The final catastrophe did not

come, however, until he began to question the Inspector with regard to the cross-examination in New York, which was decided to be inadmissible two weeks ago.

"Now," said His Honor, turning in his chair so as to look full in the face of the attorney, and speaking in tones of unmistakable resolve, not to say severity, "this line of examination must stop right here."

He put an acute accent on every syllable and looked very grave. Mr. Phalen stopped, stared, stammered, and finally came out with, "Of course, I know that, a moment ago, and really seemed quite disconcerted; as well he might. He consulted with his colleagues for a few moments, and at last, after a brief conference, he came back and sat down. And as it was already after 12 o'clock we adjourned for lunch."

Now the story of the afternoon is quite interesting, not only in the evidence introduced, but the men who gave it—Professor Dorsey and Professor Pierce. They were over to homes and represented them even more positively than the former identifiers; and before doing it they had been forced by Mr. McEwen to confess to so many explicit and honors in the scientific world, and particularly in the department of osteology, that I can neither recall nor should have space to write them down if I could.

But as I foresee that both these gentlemen are likely to come up for cross-examination at long, I will reserve their portraits until then. They made a very good impression; that is, they did upon that part of the audience who were able to recognize the quality of the evidence. The jury, however, was in the way of assisting in the removal of the sausage maker.

or a total additional seating room for 11,650 children. There will be 102 classrooms added to the buildings in the midst of the East Side district. This means that over 5,000 children can have places in these buildings if they want them by March 15. It is estimated that just about this number are now seeking places and unable to find them.

Mayor Strong Says There Will Soon Be Room.

"It is certainly a matter of very great regret," said Mayor Strong yesterday, "that so large a number of children who want to attend school are unable to do so. The trouble is we cannot find a remedy. Last year we tried to accommodate the crowded-out children in temporary buildings, but the result was a comparative failure. It seems we can't find buildings that the Law, Fire, Building, and Health Departments will allow us to use for schools. We are doing our hardest to catch up with the increase in school population and building new schools as fast as we can. We hope to be able soon to accommodate every child in the city."

"The overcrowding," said Commissioner Greenough, of the Board of Education, "is unavoidable. We are selecting sites and putting up new buildings just as rapidly as possible. We cannot hire temporary buildings because none is available."

"There is no help for the present situation of affairs," said Commissioner Taft. "We must wait until it will soon be at an end. The best we can do at present is to provide half-day classes for those who cannot get into the regular classes."

At its meeting yesterday the Board of Education adopted the annual budget, presented by the Finance Committee, after a lively debate over the appropriation for the three high schools. This appropriation amounts to \$42,000. Chairman Little, of the Finance Committee, said that the Board of Education had appropriated \$37,500, whereas for the grammar schools it was only \$4,500. He would like to know why this was.

Chairman Taft said it was because the high schools needed a higher class of text books and apparatus. He said that Commissioner Mack said that he did not believe in deserting one's colors, but the High Schools Committee had been submitting a list of books and apparatus for several quarters that it was enough to lend him to resign.

Commissioner Little said there was no occasion for such remarks. When the Board got back to its normal condition some of its members would be ashamed of themselves and speak misrepresentations of them.

Commissioner Mack said he was in his normal condition and demanded an explanation of Mr. Little's statement made by Mr. Little in regard to the raising of funds for one of the high schools was "absolutely not the case."

At this stage President Hubbell interfered, and the matter was dropped after the \$42,000 had been voted. On motion of Commissioner Anderson, \$35,000 was voted for the taking of the biennial school census. Appropriations for a number of new buildings, including the new high school at Eldridge and Delancey streets was referred to the Exchequer Commission.

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Murderer Flanagan's Cell Found Empty in a Georgia Jail.

LEFT POLITE NOTE BEHIND.

Plea of His Lawyers in a Sensational Trial Was That He Was A Paranoiac.

RECAPTURED AFTER A FIGHT.

Madly Loved a Child of Thirteen and Tried to Exterminate an Entire Family on Her Account.

Decatur, Ga., Sept. 15.—Edward Flanagan, under sentence of death for the murder of two persons and the serious wounding of two others, disappeared from his cell in the De Kalb County Jail here this morning and created a stir that excited and alarmed every one, from Governor Atkinson to Sheriff Austin.

This murderer, who had sought immunity at the hands of the law upon the plea of insanity, who had let his unkempt beard and hair and nails grow until he looked more like a wild beast than a human being and whose vacant stare and studied unconcern had puzzled the ablest experts in the State so deeply that it won for him the name of paranoiac—this sensational sample of the insane criminal coolly unlocked the door of his prison room and walked out, leaving behind this note addressed to Sheriff Austin:

I will be gone all night. You will not come in until late to bring my breakfast. My friends are all good friends. I thank you for taking of the inside lock. My friends got a key that happened to be in the outside lock. I am going to the country, where I shall be free.

E. C. FLANAGAN.

Freedom Was Sought.

This note was found in the empty cell about 8 o'clock. Later in the day, after reports had been offered, bloodhounds called into requisition and posses organized to conduct the search, Charles Smith, a lawyer, who was looking through the jail, discovered the missing prisoner in an unused room of the jail.

Flanagan attacked Smith with a heavy stick and gave him a severe beating. He soon came to his senses, the murderer was overpowered and placed in chains.

This new chapter in the sensational events of which Flanagan has been the centre for nine months has thrown the whole State into a flutter of excitement. Flanagan was a boarder in the home of a married couple, who lived in a room near Decatur. On New Year's eve, the boarder suddenly pulled a pistol from his pocket and began what appeared to be an effort to shoot the couple.

Without a moment's warning he opened a fusillade. When it ended Mrs. Allen, George Allen's aged mother, and Mrs. John Allen, a widow, were badly wounded. Allen and his wife were badly wounded.

Jury Said He Was Sane.

It was so wild a crime that it was a long time before the public could understand why it had been committed. At length, however, Flanagan made the statement that he was sane. He was a paranoiac, whose particular mania was that he felt desperately in love with very young girls. It was in this way that they accounted for his mad infatuation for little Lella Allen, in whose behalf he claimed the wanton murders were committed.

After a long and sensational trial Flanagan was adjudged sane, convicted of murder and sentenced to be hanged. His execution had only been postponed on account of pending appeals in his behalf. He has been constantly guarded by State troops because of repeated threats of lynching.

"Edward" was named in Section 20 of the Georgia Code, which provides for the execution of a person who has been convicted of murder and sentenced to be hanged. He has been constantly guarded by State troops because of repeated threats of lynching.

Thousands flocked to Decatur to join in the search for Flanagan. Handbills were hastily prepared and scattered on every outgoing train. Then came the recapture and renewed threats of summary action from a vast crowd.

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